

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, October 22, 2002  
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Martz, Pisciotte, present. Council Member Lambke absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Kevin Clark, St. Francis of Assisi, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved      The Minutes of the regular meeting of October 8, 2002, were approved 6 to 0. (Lambke absent)

**PRESENTATIONS**

PROCLAMATIONS      Proclamations previously approved were presented.

**NEW BUSINESS AGENDA**

**PARKING OFFICERS      ORDINANCE AUTHORIZING APPOINTMENT OF SPECIAL OFFICERS TO ENFORCE PARKING VIOLATIONS.**

Joe Lang      Law Department reviewed the Item.

Agenda Report No. 02-1927

The Wichita Ambassador Program has been established to provide parking enforcement, hospitality, tourism and public safety services in the downtown area to Wichita businesses and visitors. The Ambassadors will enforce parking and monitor public safety, extending a helping hand in emergency situations and regularly calling on businesses.

The ordinance provides authority for the Police Chief to designate special officers to enforce parking violations by issuing citations for violations of the City's parking ordinances in Chapter 11 of the City Code. The authority to designate such special officers is limited to City employees appointed to the Police Department by the City Manager.

There are no financial considerations.

Pursuant to state law and City ordinance the enforcement of parking violations and the issuance of violations are under the law enforcement authority of the Police Chief.

Mayor Knight      Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried      Knight moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Lambke absent)

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## ORDINANCE

An Ordinance amending Section 11.16.040 of the Code of the City of Wichita, Kansas, pertaining to Police Officers and duties to enforce traffic violations under Chapter 11 of the Code of the City of Wichita, introduced and under the rules laid over.

### **HESS PUMP STATION HESS PUMP STATION MOTOR REPLACEMENTS.**

David Warren                      Director of Water and Sewer reviewed the Item.

Agenda Report No. 02-1939

Hess Pump Station is a vital component of the City's water supply system containing eight pumps. In 2001, two of the synchronous pump motors in the pump station burned out and were replaced with larger induction motors as a public exigency. On August 20, 2002, a third motor burned out. Staff had the motor examined, and it was determined that it could not be repaired without a complete rewinding of the motor. Because all of the burned out motors are at, or past, the useful life expectancy of 25 years or more, this work is necessary.

Seven of the original pumps were replaced in 1995, and it was found that the new pumps worked the motors harder. General Electric performed an analysis on the motors and recommended an upgrade from 1,850 hp to 2,000 hp. GE also advised that the existing motors were maximized and nothing could be done to increase capacities. Staff identified three of the six remaining older synchronous motors that are under the most stress, including the motor that burned out on August 20. These need to be replaced with larger motors.

Due to the paramount importance of Hess Pump Station to the City's water supply, and because of the recent rate of failure of the motors, Staff recommends immediate replacement of three of the existing 1,850 hp synchronous motors with the larger 2,000 hp motors. Black and Veatch, who designed the Hess Pump Station and prepared plans for installation of the newest motors at Hess, was requested to provide a quote to replace the old motors. They submitted a quote of \$90,000 for engineering services, including design and construction services.

The cost to replace three constant speed synchronous motors, including engineering services, is estimated to be \$2.0 million. The capital expenditure for the replacement of these older motors has not yet been programmed in the Capital Improvement Program (CIP) because the Water and Sewer staff did not anticipate that the motors would fail this rapidly. The new CIP process will commence shortly and will allow the programming costs for this major replacement of all of the six remaining synchronous motors. The Water and Sewer Department will adjust projects so that the overall budget is not increased and rates will not increase. Because of the uncertainty of the other older motors, Staff does not feel it should risk not proceeding with the design and other work necessary for the replacement of these older motors. The engineering design will include determination of life-cycle costs of synchronous motors versus induction motors. If it is found that induction motors have a lower life-cycle cost, the project cost will be reduced.

Funding for \$90,000 of engineering services is available from unexpended funds in the adopted CIP. Hess Motor Replacement (CIP W-902) has \$56,000 available and will be augmented by \$34,000 in under-expenditures from CIP W-555 (21st & Webb Variable Speed Pump).

City Council approval is required for changes in the Capital Improvement Program and for projects that exceed \$10,000.

Mayor Knight                      Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --                              Knight moved that the Contract be approved; the CIP be amended; the Resolution be adopted; and the  
-- carried                              necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

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## RESOLUTION NO. 02-481

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$40,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## COUNCIL AGENDA

### APPOINTMENTS

#### DECLARATION OF VACANCY AND APPOINTMENT OF MUNICIPAL JUDGE NOMINATING COMMISSION.

Joe Lang

Law Department reviewed the Item.

Agenda Report No. 02-1953

A vacancy will occur because of the pending resignation of a Municipal Court Judge. Charter Ordinance No. 186 provides the procedure for consideration of individuals for appointment to the office of Municipal Court Judge. The Nominating Commission is to be composed of two non-lawyer members appointed by the City Council and three lawyer members nominated by the Wichita Bar Association and appointed by the City Council.

Appointment of Municipal Court Nomination Commission is necessary to review the applications from persons interested in filling the vacancy. The Wichita Bar Association has been asked to provide its recommendations for lawyers to serve on the Nominating Commission for this purpose.

The pendency of a vacancy in the office of Municipal Court Judge triggers the provisions of Charter Ordinance No. 186, which prescribes the process for the selection and appointment of Municipal Court Judges.

Motion --

Knight moved that the City Council declare a vacancy in the position of Municipal Court Judge and appoint Biff Green and Aidan Dunleavy as the two non-lawyer members of the Municipal Judge Nominating Commission; and that Sal Intagliata, Suzanne Dwyer and Warner Eisenbise, the three attorneys recommended by the Wichita Bar Association, be appointed to the Commission. Motion carried 6 to 0. (Lambke absent)

-- carried

### TASK FORCE

#### OFFENDER REENTRY TASK FORCE.

Agenda Report No 02-1928.

In February, 2002, a Wichita Assembly was held to address the reentry of offenders into the community. The Assembly: Community Reconnection - A new Beginning for Offenders addressed issues and concerns resulting from reintegrating criminal offenders back into the community. Challenges of housing, community safety, employment, and other support systems were addressed. The Assembly ended with fourteen (14) recommendations or strategies for the community and its community governments and agencies to address. One of the recommendations assigned to the City and County governments included the appointment of an Offender Reentry Task Force.

The recommendations from the Wichita Assembly identified the need for a public-private partnership that engages the entire community. To begin such a partnership, Assembly participants recommended the following:

The Wichita City Council and Sedgwick County Board of County Commissioners should appoint a taskforce comprised of diverse representation of the community including government, business,

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neighborhoods, faith-based and service agencies to: 1) review and implement the recommendations generated at the Assembly; and 2) re-evaluate the make-up and effectiveness of existing boards.

Purpose of the Task Force: The purpose of the Task Force is to bring together individuals representing all sectors of the community to work in partnership with City, County and State governments (particularly the Department of Corrections) to develop a community plan of action for re-integration of offenders. The Task Force is to be charged with the completing the following tasks:

- Review the recommendations of each of the Assembly work groups: community safety, employment, community services and housing
- Develop action steps for implementation of recommendations
- Define resources that are needed to implement recommendations
- Provide recommendations to the governing bodies for implementing the recommendations
- Review the roles of the various boards addressing re-integration of offenders
- Provide a recommendation on whether to retain existing boards or to create/consolidate boards based upon community need and board effectiveness
- Provide policy recommendations for consideration by the governing bodies on issues relating to re-integration of offenders
- Act as a communication link and assist with developing partnerships between the Department of Corrections, local governments, citizens, the religious community, service organizations, businesses, and education to develop a community based approach to re-integration.

Proposed Composition of the Task Force: It is suggested that individuals having experience in the following areas be appointed to an Offender Reentry Task Force. Appointments are proposed to be made jointly by the Mayor/Council members and the Board of County Commissioners. Possible appointments representing the involved professional and service sectors would include:

City	County
Neighborhood Representative	Neighborhood Representative
Dept. of Corrections Representative	Parole Representative
Workforce Representative (Job Service)	Workforce Representative (Employer Repr.)
Educational Representative	Mental Health Representative
Housing Representative	Homeless Coalition Representative
Faith-based Representative	Victims Rights Representative
Public Safety Representative (Police)	Substance Abuse Representative
Alt. Correctional Housing Board Repr.	Small Cities Representative (REAP)
Private Sector/Business (Corrections)	Court Representative

None except for staffing assistance provided to this Task Force.

The City Council is authorized to create task forces to study issues and make recommendations.

Motion --

Knight moved that City Council (and Sedgwick County Commission) approve the creation of an Offender Reentry Task Force and jointly appoint Rev. Wanda McDaniels, Faith Based; Kent Sisson, Dept of Corrections; Shawna Mobley, Private Sector corrections; Dr. Ed Flentje, Educational; Ruth Depew, Neighborhood; Chief Williams or his designee, public safety; Don Deckert, ACH; Sarah Gilbert, Workforce; (with Housing to be appointed later) as members to the Task Force as designated above; that the Task Force provide a report with recommended actions to the City Council and County Commission on its findings; and the City and County Managers be authorized to select a Staff Liaison Representative to staff the Task Force and record all proceedings. Motion carried 6 to 0. (Lambke absent)

-- carried

## APPOINTMENTS

### APPOINTMENT TO THE HOUSING ADVISORY BOARD.

Motion --

Gale moved that Lenny Diaz be appointed to the Housing Advisory Board. Motion carried 6 to 0. (Lambke absent)

-- carried

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## APPOINTMENT TO THE BOARD OF ZONING APPEALS.

Motion --  
-- carried

Martz moved that Randy Phillips be reappointed to Board of Zoning Appeals. Motion carried 6 to 0. (Lambke absent)

## CONSENT AGENDA

Knight moved that the Consent Agenda, except Item 19, be approved as consensus Items. Motion carried 6 to 0. (Lambke absent)

## **BOARD OF BIDS**

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 21, 2002.

Bids were opened October 11 and 18, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Lateral 338, Four Mile Creek Sewer to serve Savanna at Castle Rock Ranch Ninth Addition - north of 13th Street North, east of 143rd Street East. (468-83497/743943/480631) Does not affect existing traffic. (District II)

K C Excavating - \$89,344.00

Water distribution system to serve Savanna at Castle Rock Ranch Ninth Addition - north of 13th Street North, east of 143rd Street East. (448-89304/735079/470749) Does not affect existing traffic. (District II)

McCullough Excavation - \$27,700.00

Water distribution system to serve Eagles Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89651/735078 /470748) Does not affect existing traffic. (District I)

McCullough Excavation - \$32,770.00

Nims Sanitary Sewer Lift Station, Force Main and Gravity Line - south of 13th Street North, east of Little Arkansas River. (468-83308/620324/661448) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Wildcat Construction - \$294,648.00

2002 condemned sidewalk and wheelchair ramps, Phase 2 - north of 55th Street South, east of 135th Street West. (472-83630/132100/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V,VI)

Barkley Construction - \$55,360.00 (Engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage Improvements at May and Carwood. (660474)

W.B. Carter Construction Co. - \$41,860.00 (Total net bid)

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PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage Improvements at Lincoln and Hydraulic. (660473)

W. B Carter Construction Co. - \$21,976.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage Improvements at Woodlawn and Eastwood. (660475)

W. B Carter Construction Co. - \$126,546.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Emulsified Asphalt. (132225)

Vance Brothers, Inc. \$0.76 (Price per gallon)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Storage Shed Construction at Various Sites. (097817)

Ruse Contracting - \$23,700.00 (Group 1/total)  
\$23,700.00 (Group 2/total)

POLICE DEPARTMENT/AIR SECTION DIVISION: MISSION & Option Equipment for MD 500E Helicopter Garmin GNS 430 and Ryan TCAD. (602126)

MD Helicopters, Inc. - \$46,330.00 (Total net base bid/Purchasing Ordinance No. 35-856 (b) Sole Source of Supply)

PUBLIC WORKS DEPARTMENT/STORM WATER DIVISION: Drainage Improvement Central Avenue-Kapaun Mt. Carmel. (660479)

Dondlinger & Sons Construction Co. Inc. - \$79,725.00 (Total net bid)

FINANCE DEPARTMENT-IT/IS DIVISION: Voice & Data Wiring, Interior Wiring and Cabling between Substation Buildings. (792369)

Comm Link Inc. - \$4,690.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## LICENSES

### APPLICATIONS FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### Renewal - Adult Entertainment

Ronald H. Groves	Party Store	9601 East Kellogg
Robert Floyd	Armour Gift Shop	2450 South Rock Road #100*
	Dbas Priscillas	*New location

#### New Escort Service

Sandra J. Lacy	Prime Time Entertainment*	1123 East Waterman**
**On 10/08/2002 Applicant incorrectly listed address as 1137 East Waterman		

Motion --  
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0. (Lambke absent)

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## LICENSE APPS.

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Mike L. Consolver William H. Smith	Mac Donald Golf Course Snack Bar* Wichita State University Dba Rhatigan Student Center*	840 North Yale 1845 Fairmount
		<u>(Consumption off Premises)</u>
Gene Clasen	Checkers	945 East 47th Street South
<u>New Establishment</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Elihsa Degollado	Pollo Loco Loco Restaurant*	808 West 25th Street North

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to Staff review and approval. Motion carried  
-- carried 6 to 0. (Lambke absent)

## PLANS AND SPECS.

### SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

## IMPROVEMENTS

### PETITIONS FOR STREET PAVING, SANITARY SEWER, STORM WATER DRAIN, AND WATER DISTRIBUTION SYSTEM TO SERVE TARA FALLS ADDITION – SOUTH OF HARRY, EAST OF GREENWICH. (District II)

Agenda Report No. 02-1929

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, storm water drain, and water service to a new residential development located south of Harry, east of Greenwich.

The Petitions total \$754,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 6 to 0.  
-- carried (Lambke absent)

### RESOLUTION NO. 02-459

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89738, (south of Harry, east of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)  
Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 02-460

Resolution of findings of advisability and Resolution authorizing construction of Lateral 340, Four Mile Creek Sewer (south of Harry, east of Greenwich), 468-83526, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-461

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 192 (south of Harry, east of Greenwich) 468-83527, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-462

Resolution of findings of advisability and Resolution authorizing improving Tara Falls from the north property line of Lot 33, Block C to the south property line of Tara Falls Addition; Funston from the west property line of Tara Falls Addition to the west line of Tara Falls; both Tara Falls Cts, in Block D; and Andrea from the east line of Tara Falls to the east property line of Lot 55, Block A, (south of Harry, east of Greenwich) 472-83648, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## BOARDS MINUTES

### MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Police & Retirement System Regular Board Meeting Minutes, August 28, 2002  
Board of Park Commissioners Regular Meeting, September 9, 2002  
Board of Code Standards and Appeals Minutes, September 9, 2002  
Design Council City Arts Meeting Minutes, September 19, 2002  
September 4, 2002 - District III Advisory Board Minutes  
September 9 and 18, 2002 - District VI Advisory board Minutes  
September 18, 2002 - District IV Advisory Board Minutes

Motion – carried

Knight moved that the Minutes be received and filed. Motion carried 6 to 0. (Lambke absent)

## STREET CLOSURES

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

## CLAIMS ALLOWED

### REPORT ON CLAIMS ALLOWED – SEPTEMBER 2002:

<u>Name of Claimant</u>	<u>Amount</u>
Cook, Mary C.	
c/o State Farm Insurance Company	\$3,040.61
Freeman, David	\$380.88
Fulton, Michael W.	\$2,436.25
Greenman, Teresa	\$358.86
Kansas Gas Service	\$371.64**
Ketterman, Barbara J.	\$389.52
Oswald, John	\$648.01
Ray, Marcy	\$80.18
Thomi, Diana K.	\$189.50



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Thull, Michael	\$100.00
Village Park at Rockborough	\$1,498.00
Williams, Tommie	\$750.00**

\*\* Settled for lesser amount than claimed.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 6 to 0. (Lambke absent)

## **GARVEY PARK IMP. GARVEY PARK IMPROVEMENTS.** (District III)

Agenda Report No. 02-1930

The City owns a parcel of land at the intersection of I-135 and the Arkansas River, which contains the potential to improve recreational opportunities in a historically underserved area of the community. The site formerly housed a YMCA facility.

Anticipated initial improvements would include a canoe launch on the river, a bike path trailhead, a restroom and storage facility, and a secured paved parking area.

Request for Proposals (RFP) was mailed to design firms on July 26, 2002 (FP200072). Three firms responded as follows: EBH & Associates, P.A., Law/Kingdon, Inc., and McCluggage Van Sickle & Perry Corporation. The Staff Screening and Selection Committee reviewed the proposals of the three firms on August 29, 2002. The committee selected the firm of McCluggage Van Sickle & Perry Corporation for the project based on their qualifications and proposed fee schedule. The Contract for design and bid documents is a single stipulated lump sum fee (including reimbursable expenses) of twenty six thousand four hundred dollars (\$26,400.00).

The project is authorized in the 2002-2011 Capital Improvement Program (CIP). The CIP includes \$30,000 for design in 2002 and \$300,000 for construction in 2003. The funding source is General Obligation bonds. (Project No. 392163, OCA No. 785031P)

Motion --

-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## **AVL**

### **AUTOMATIC VEHICLE LOCATION CONSULTANT.**

Agenda Report No. 02-1931

In 1996, the City of Wichita / Transit Services was awarded federal grant money to be used in the implementation of an Intelligent Transportation System (ITS). Wichita then effected an early deployment study, which was completed and presented before the City Council in early 1999. This study was designed to target areas of ITS implementation within the coming years. In 2000, the Kansas Department of Transportation (KDOT) mandated that all future ITS deployments share the same basic system structure. Part of the ITS systems is AVL, or Automated Vehicle Locator, which are devices that track the location of individual vehicles and provide other data.

The planned AVL system, which will be the first ITS application within the Wichita region, shall consist of Global Positioning System (GPS) Satellites, mobile GPS receivers, a base station computer with appropriate software, and a communication network for transference of data. The communication network, though a component of an AVL system, will provide the "backbone" for all other ITS applications within the Wichita region.

It will be the duty of the selected consultant to collect and record all information relevant to planned usage and existing equipment within the Wichita region. Once having collected all pertinent data, the consultant will design a system whereby any new applications of ITS technology can easily adhere to the "backbone" communication network.

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A Request for Proposals was issued through a general bid process in August of 2001. Estimates for a consultant to conduct a regional assessment of an AVL system were in the general vicinity of \$120,000 to \$130,000. The City of Wichita, Sedgwick County and KDOT have selected RCC Consultants, Inc., to conduct the study.

Funding for the consultant fee is provided through a combination of monies from KDOT (60%), City of Wichita (20%) and Sedgwick County (20%). The City's 20% share is estimated at \$24,700. Funding for the project was obtained through the U.S. DOT 2002 Transportation Appropriations, which allocated monies to be used only for ITS system integration. The development of a communications network necessary to allow AVL systems of different departments to interface and share information would be an eligible expenditure under these guidelines.

A contract for the services will be negotiated with RCC by the City Law Department.

Motion --  
-- carried

Knight moved that the issuance of the Contract be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## RECRUITMENT

### RECRUITMENT SERVICES.

Agenda Report No. 02-1953

Due to the Planning Director's retirement, it is necessary for the City to recruit for a Director of Planning. Additionally, with the reorganization of the Water & Sewer Department, the position of Assistant Director of Water & Sewer was created. The Assistant Director position will replace an existing management level position. The position will be responsible for assisting the director in the overall administration of planning, engineering, and construction for the City's water and wastewater system. This individual will be able to act on behalf of the department director in his absence and offer the Water & Sewer Department a second-in-command position.

The City solicited proposals from executive search firms listed on the Govtjobs.com website in addition to placing the RFP on the City's website. Nine proposals were submitted. All proposals were reviewed and assessed for the firm's experience recruiting for executive level positions, commitment to have an individual dedicated to the recruitment, and cost for conducting the executive searches.

Staff is recommending the PAR Group due to their high level of experience recruiting for executive positions in Planning and Water & Sewer. The PAR Group will be responsible for developing brochures, identification of suitable candidates, candidate profiles, resume screening, candidate interviews, background checks, and negotiations with candidates.

PAR Group fee for recruitment and reimbursable expenses for printing, travel, and postage is \$37,500 total for both executive searches. Funds are available from Water & Sewer for the Assistant Director of Water & Sewer position and the City and County will share the cost for the Director of Planning recruitment process.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## DESIGN SERVICES

### AGREEMENT FOR DESIGN SERVICES – FOUR MILE CREEK NORTH PUMP STATION. (District II)

Agenda Report No. 02-1932

The 2002 Capital Improvement Program includes Four Mile Creek Treatment Plant and Collection System improvements.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for designing a sanitary sewer lift station, gravity sewer lines to the lift station, and a force main from the lift station to

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the Four Mile Creek Sanitary Sewage Treatment Plant. The Staff Screening & Selection Committee selected R&B for the design on September 5, 2002.

Payment will be on a lump sum basis of \$137,198 and will be paid by Revenue Bonds.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## BIKE PATH

### GYPSUM CREEK BIKE PATH AT PAWNEE BRIDGE. (District III)

Agenda Report No. 02-1933

On August 8, 2000, the City Council approved a construction contract for a bike path along Gypsum Creek in southeast Wichita. A portion of the work is below the Pawnee Bridge between the Kansas Turnpike and Oliver. The soil conditions that were encountered necessitate the installation of a retaining wall to prevent erosion.

Funding is available within the project budget.

The total cost of the additional work is \$11,025. The funding source is a combination of General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --  
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## LIB./HEAD START

### EVERGREEN LIBRARY/HEAD START. (District VI)

Agenda Report No. 02-1934

On March 27, 2001, the City Council approved the Evergreen Branch Library/Head Start project for the old Arts and Crafts Center located at 2601 N. Arkansas. The Evergreen Library will use two-thirds of the facility for a new North Branch Library, which will replace the Minisa and Marina Lakes Branch Libraries. Head Start (Child Care Association) classrooms and programs will occupy the remaining one-third of the facility.

The Change Order request at \$21,499 is for modifications to the scope of work as recommended by the Owner, Architect, or Contractor as follows:

1. Change the exterior soffits from drywall to a textured cement board.
2. Add four each 24"x24" metal access panels to the soffits.
3. Add gutter and downspouts to the north and south entry walls.
4. In-fill two each 8"x8" masonry window openings at the entry walls.
5. Change the HVAC return air plenum to a ducted return air system.

The Evergreen Library is funded from Community Development Block Grant monies at \$800,000 and General Obligation Monies at \$600,000. The Child Care Association of Wichita/Sedgwick County is providing funding at \$240,000 to pay for the full renovation cost of their portion of the facility. The Change Order in the amount of \$21,499 will be funded from the project budget.

The change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval. The Change Order has been approved as to form by the Law Department.

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Motion --  
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## MORATORIUM DELANO

### EXTENSION OF DEVELOPMENT MORATORIUM FOR PROPERTIES ALONG SENECA, WEST OF DOUGLAS – DELANO NEIGHBORHOOD. (District IV)

Agenda Report 02-1395

On November 6, 2001, the Wichita City Council adopted a one-year moratorium on development in the Delano Neighborhood. The moratorium was adopted for a period of up to one (1) year, subject to review after six months, with a determination by the City Council of the length of time for continuation of the moratorium and/or modification of any of its provisions. The area within the scope of the moratorium includes those properties with frontage on Seneca between McLean and Kellogg, and Douglas between McLean and Seneca.

The moratorium was adopted to protect the approximately \$6 million in capital improvements being made along Douglas and Seneca, the two main arterials in the Delano neighborhood. The Seneca Street project has recently been completed (excepting for landscaping), with construction along Douglas scheduled to begin shortly. The moratorium was intended to ensure that new development along the Douglas and Seneca Street corridors occurred in a manner compatible with the Delano Neighborhood Revitalization Plan, while City Staff continued working with neighborhood stakeholders and a consultant on the development of a design overlay district and design guidelines for the entire Delano neighborhood. The Delano Neighborhood Revitalization Plan, adopted as an amendment to the Comprehensive Plan, contains a set of interim design guidelines that were intended to serve as a guide for the development of a finalized set of Design Guidelines for the neighborhood.

The moratorium entailed the following conditions:

1. Place a prohibition on off-site signs for one year.
2. Allow staff review of certain types of permits (new building construction; other types of sign permits; additions or remodeling that changes the appearance of building facades facing either of these streets or the cross streets intersecting these streets; new curb cuts) for conformance with the goals and guidelines contained in the adopted Delano Neighborhood Plan. Any permits deemed to be contrary to the plan would not be processed by staff, but could be appealed to the City Council. Other types of permits would continue to be issued with no review or restrictions.

Permitting Activity: The Office of Central Inspection has received five (5) permit applications since the moratorium was adopted. One permit application was for an off-site sign at the intersection of Seneca and Maple, and was denied shortly after the moratorium was passed, but was not appealed to the City Council. Because the moratorium specifically prohibited off-site signs, no review by the Director of Planning and Zoning Administrator was necessary.

The second permit application was for a 4' x 8' wall sign to be placed on the side of building at the intersection of Maple and Seneca, and was approved after review by a committee consisting of the Zoning Administrator, the Historic Preservation Officer, and the Director of Planning.

The third permit application was for an awning to be attached to a building in the 700 block of East Douglas. It was approved after review by the committee previously listed.

The fourth permit application was for a wall sign to be placed on the side of a business located on the east side of Seneca, one block south of Douglas, and was approved by the committee.

The fifth permit application was for a sign to be placed on the front building façade located at the southeast corner of Douglas and Walnut, and was also approved by the committee.

A site plan, building façade and signage proposal associated with a new Spangles restaurant along the west side of Seneca, south of 1st Street, was also submitted for review and comment by the committee,

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but never formally submitted as a permit application. Although compromise was made on the site plan and building façade elements, the committee felt that the signage requirements of Spangles were not consistent with the intent of the Delano interim design guidelines. Spangles decided not to proceed with a formal permit application.

Overlay District and Design Guideline Update: On August 8, 2002, the proposed Delano Overlay District and Design Guidelines were completed and submitted in conjunction with a voluntary neighborhood-wide rezoning proposal, to the Metropolitan Area Planning Commission for comment and authorization of a public hearing. A public hearing date of September 26, 2002, was set by the MAPC. Public input meetings were held on August 20th, September 12th and September 22nd, and public feedback was also received at the presentation made to DAB IV on September 4th. Based upon the feedback received at the public meetings, several revisions were made to the proposed Delano Overlay District and Design Guidelines and incorporated into the final submission to the MAPC on September 26th. On September 26th, the MAPC heard public comment both for and against the proposed Delano Overlay District and Design Guidelines as revised. Following the closing of the hearing, the MAPC passed a motion recommending against the adoption of the Delano Overlay District and Design Guidelines, and deferring a decision on the neighborhood-wide rezoning proposal until the MAPC meeting of December 19, 2002.

Accordingly, the amount of time required to resolve issues and complete this entire process could take up to six months (until May 2003). This time frame will allow for any necessary additional public meetings, discussions with the MAPC and staff revisions prior to the final adoption of a design overlay district and design guidelines for Delano neighborhood by the governing bodies.

Continuation of the moratorium itself involves no additional funding on the part of the City.

The City has the authority to establish a development moratorium for specific purposes and a limited time, which was set forth in the resolution establishing the development moratorium. Council has the authority to extend a development moratorium for a reasonable time where it is necessary to complete the planning process.

Extend the original development moratorium expiration date of November 6, 2002 as imposed by Resolution No. 01-440, by an additional six (6) months to May 6, 2003.

Motion -- Knight moved that the moratorium be extended six months to May 6, 2003. Motion carried 6 to 0.  
-- carried (Lambke absent)

(Agenda Item No. 19)

## **HUD**

### **HUD CONSOLIDATED PLAN-SUBSTANTIAL AMENDMENT.**

Motion -- Knight moved that this Item be deferred to a later Council meeting. Motion carried 6 to 0. (Lambke  
-- carried absent)

## **KDOT**

### **KDOT PROJECT FUNDING REQUESTS.**

Agenda Report 02-1937

Transportation Enhancement is a funding category under the Transportation Equity Act for the 21st Century (TEA-21). The Kansas Department of Transportation (KDOT) will receive applications for Enhancement projects from cities and counties throughout Kansas and select those projects that meet KDOT's funding eligibility criteria. The three categories under enhancements are: 1) historic, 2) scenic and environmental, and 3) pedestrian and bicycle facilities. Kansas's share for these three Enhancement categories is about \$14-20 million for fiscal years 2004 and 2005. Applications sponsored by the City of Wichita will compete for these funds with other statewide projects. Only tax-levying entities can sponsor applications. KDOT will announce the awards in the Spring of 2003.

As part of this year's application development process, MAPD provided opportunities for public support and review of projects. In addition to holding a special public meeting on the enhancement

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program, staff has made presentations before three District Advisory Boards, Board of Parks Commissioners, the GreenWays Alliance Committee, and the Metropolitan Area Planning Commission to receive input and support for these projects.

## Transportation Enhancement Projects TEA-21, Fiscal Year 2004 and 2005

<u>Projects</u>	<u>Total \$ /Yr. 2005</u>	<u>KDOT Share</u>	<u>City Share inc. Design Cost</u>
<u>Scenic and Environmental Category</u>			
1) K-96 Bike Path at Hillside: Provides beautification and landscaping at the entrance of Grove Park along the bike path.	\$258,057	\$169,284	\$88,773
<u>Pedestrian and Bicycle Trail Category</u>			
(1) I-135 Path (McAdams Park to Grove Park): Provides a bike/pedestrian link between the I-135 path that presently terminates at McAdams Park and the K-96 path with its terminus at Grove Park.	\$1,165,872	\$764,804	\$401,068
(2) I-135/Gypsum Creek Connection (Stafford to Wassall to George Washington Blvd.): Extends the I-135 bike/pedestrian path to the existing Wassall Street pedestrian bridge over I-135 and then connects to the existing Gypsum Creek/Turnpike path; also connects schools, Community Center, and the Planeview revitalization area.	\$1,012,433	\$664,149	\$384,284
(3) Historic Midtown Bike Path /Greenway (Central/Waco to 15 <sup>th</sup> St. N/Broad way): The pathway will be along an abandoned railroad corridor and connect three adjacent neighborhood parks and schools and the city's Central Business District.	\$826,991	\$542,501	\$284,491
TOTALS	\$284,491	\$2,140,738	\$1,122,616

A minimum 20 percent local match is required for each project. However, it is recommended that the City provide a 30 percent local match to enhance the chances of Wichita projects being selected over other statewide applications. The application is for the cost of construction, the cost of design is a local responsibility.

The total cost of proposed projects is \$3,263,354. The City of Wichita's matching share is \$917,459. Design costs, public art, and certain contingencies not reimbursable under this program, will cost an additional \$205,157 if approved.

In the past, the City of Wichita has submitted applications under the Transportation Enhancement program, but not all applications were funded. Therefore, out of \$14-20 million available to KDOT for statewide distribution (under the FY 2004 and 2005 program), it is unlikely that all of Wichita's applications totaling \$3.3 million will be funded.

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The Transportation Enhancement Program projects require: (1) a certification that no known or foreseeable legal impediments exist that would prohibit completion of the projects; and (2) a resolution that the City of Wichita will accept the responsibility for coordinating the projects and funding the local match.

Motion --

Knight moved that the proposed projects be approved; the Resolution accepting responsibility for coordinating the projects and funding the local match be adopted and; Staff be authorized to submit project requests to KDOT. Motion carried 6 to 0. (Lambke absent)

-- carried

## RESOLUTION NO 02-463

A Resolution of the City of Wichita to approve the filing of applications for transportation enhancement projects to KDOT, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## WORK PROGRAM

### UNIFIED PLANNING WORK PROGRAM FOR FISCAL 2003.

Agenda Report No.02-1938

MAPC Recommendation: The Metropolitan Area Planning Commission approved the FY 2003 Unified Planning Work Program (UPWP) and enabling resolution on October 10, 2002.

Staff Recommendation: Approve the FY 2003 (January 1, 2003 to December 31, 2003) UPWP and adopt the Resolution authorizing the Director of the Metropolitan Area Planning Department (MAPD) to submit applications, negotiate agreements, and execute contracts in support of the UPWP. This approval also includes provisions of matching in-kind services to support of UPWP not to exceed \$185,093.

The United States Department of Transportation (DOT) stipulates that a UPWP must accompany the Planning Department's annual application for federal funding. After various officials and agencies approve the UPWP, it will be used as the authorization document for making applications for funds to support our local transportation planning programs.

A Resolution has been prepared that authorizes the Director of the MAPD to make applications for federal planning funds up to a total of \$740,372. \$971,000 in federal planning funds for a South Area Study, and \$194,200 in KDOT soft match funding for the South Area Study is also contained in the resolution.

Federal funds being requested will provide funding for 7.75 full-time equivalent staff positions plus miscellaneous expenses, which will allow the MAPD to continue to evaluate the feasibility of short and long-range transportation options and to develop strategies for implementing elements of the Transportation Plan. This will allow the City of Wichita to continue receiving federal and state construction and operating funds for implementing projects and operating Wichita Transit. The Planning Commission approved the UPWP on October 10, 2002 and the Sedgwick County Commission approved the document on October 16, 2002.

The activities described in the UPWP are funded from two sources; the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), and is administered through the Kansas Department of Transportation (KDOT). The Planning Department will make available non-federal matching funds in support of the UPWP. The amount of local match (provided as in-kind staff services) required to receive federal assistance is shown below:

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	<u>Federal Funds</u>	<u>Match</u>	<u>Funding Ratio</u>	<u>Total Cash Funds</u>
Annual USDOT Planning Grant	\$740,372	\$185,093 (local soft)	80/20	\$740,372
Special Study (NCPD grant) South Area Study	\$971,000	\$194,200 (KDOT Soft )	80/20	\$971,000

Motion --

Knight moved that the FY 2003 UPWP, which includes the provision of matching funds (in-kind Staff salaries) in support of the UPWP not to exceed \$185,093, be approved and the Resolution authorizing the Director of Planning to submit applications, negotiate agreements, and execute contracts be adopted. Motion carried 6 to 0. (Lambke absent)

-- carried

## RESOLUTION NO. 02-464

A Joint Resolution of the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita City Council and Sedgwick County Board of Commissioners authorizing the request of planning funds, the filing of applications and the execution of Contracts and Agreements for Federal and State Grants, and the undertaking of the necessary planning work, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## EPA

### EPA WATERSHED INITIATIVE GRANT APPLICATION.

Agenda Report No. 02-1940

On August 21, 2002, the U.S. Environmental Protection Agency announced that the agency is seeking governors to recommend nominations for President Bush's Watershed Initiative. The program will provide grant assistance up to \$1.3 million to state and local communities to protect and restore watersheds. On October 4, 2002, the City of Wichita received notice of the Kansas Nomination Process for the EPA Watershed Initiative. Applications must be provided to the Kansas Water Office on October 18, 2002. Submitted proposals will be reviewed by the Kansas Water Authority and recommendations shall be submitted to Governor Graves. The governor of each state is invited to submit two nominations for consideration to EPA. These nominations must be submitted to EPA by November 21, 2002. EPA will select 20 watersheds to be the recipients of the \$21 million grant program. Nominations that are likely to result in environmental improvements in a relatively short time frame and that show broad statholder involvement will be considered strong candidates.

City Staff has determined that the City is eligible to apply for the grant funding. This grant funding will benefit the Lower Arkansas River watershed by allowing four previously scheduled or proposed projects to move forward in a more timely manner. Funds obtained from this grant are to be used: in the Cheney Reservoir Watershed for establishing buffer strips and for controlling waste streams from small, unregulated livestock and dairy operations; for assisting in identifying non-point source bacteria pollution to the Arkansas River near Wichita; for developing and restoring a wetlands and native stream characteristics along Cowskin Creek adjacent to a new wastewater treatment plant; and for redeveloping and restoring a segment of Gypsum Creek, an urban stream.

The City has prepared a grant application for these funds for submission to the U.S. Environmental Protection Agency. The grant application was developed in consultation with City staff from Environmental Health, Water and Sewer, and Public Works as well as representatives from the Cheney Watershed, Kansas Water Office and KDHE. The City of Wichita and the Cheney Watershed have agreed that the Dept. of Environmental Health will serve as the lead agency for administration of the grant funds if the grant is approved.

The City is requesting a total of \$1,300,000. The grant requires a 25% cash or in-kind match. The grant amounts by project component and source of match are listed in the following table:



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	EPA Grant	Match Amount	Match Source
NW Cowskin Wetlands	\$240,000	\$1,277,514	Revenue Bonds- per Council app
Cheney Lake Watershed	\$580,000	\$10,000 \$164,000  \$83,000 (subtotal - \$257,000)	Reno County Water and Sewer Dept Farmer In Kind Match and Cash Match
Urban Stream Restoration of Gypsum Creek	\$222,000	In-kind match of \$66,600	Stormwater CIP
Arkansas River Bacterial Source Tracking	\$200,000	In-kind match of \$60,000	Personnel hours from the City of Wichita, and supporting universities
SubTotal	\$1,242,000	\$1,660,514	
City Admin Fee	\$58,000		
Total	\$1, 300,000	\$1,660,514	

Motion --  
-- carried

Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0

## PROPERTY ACQ.

### **ACQUISITION OF SEWER EASEMENT – NORTHWEST SEWER PROJECT.** (District V)

Agenda Report No. 02-1942

The City Council has approved the construction of force mains, pump stations, and gravity-flow sewer lines to serve northwest Wichita. Part of the planned development calls for the construction of construction of mains to provide service to the Hickory Creek and Whistling Walk subdivisions. One of the lines will be on property owned by Randall and Cynthia Shaffer. The project is located south of 13th Street North and west of 119<sup>th</sup> Street.

The permanent line easement contains approximately 2,894 square feet. The owner has agreed to grant the City the easement for \$1,200.

A budget of \$1,200 is requested for the acquisition.

The Law Department has approved the easements as to form.

Motion --  
-- carried

Knight moved that the budget, utility easement, and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## PROPERTY ACQ.

### **ACQUISITION OF 422 SOUTH RIDGECREST FOR EAST KELLOGG IMPROVEMENT PROJECT.** (District II)

Agenda Report No. 02-1943

The East Kellogg/Woodlawn Improvement Project was released for active acquisition in December 2000. One of the properties to be acquired is 422 South Ridgcrest, owned by Warren Groves. The site contains 14,200 square feet and is improved with a 3,002 square foot stone duplex. Each unit has two bedrooms and one bath. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

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The property was valued at \$200,000. The owner has agreed to sell for this amount. The property is presently leased. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$227,000 is requested. This includes \$200,000 for the acquisition, \$10,000 for demolition, \$15,000 for relocation and \$2,000 for closing costs and title insurance.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## CONDEMNATIONS

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report 02-1944

On October 7, 2002 the Board of Code Standards (BCSA) held a hearing on the following two (2) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Address</u>	<u>District</u>
1.	1800 South Water (Garage)	III
2.	3017 South Clifton	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --

-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on December 10, 2002, at 9:30 a.m., or soon thereafter, be adopted. Motion carried 6 to 0. (Lambke absent)

#### RESOLUTION NO. 02-465

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lots 97 and 99, Water Street, English's Seventh Addition, to Wichita, Sedgwick County, Kansas, known as 1800 South Water (Garage), in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

#### RESOLUTION NO. 02-466

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 45, Block E, Planeview SubDivision No. 2, Sedgwick County, Kansas, known as 3017 South Clifton, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

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## HOMELAND SEC.

### HOMELAND SECURITY RESOLUTION.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent)

#### RESOLUTION NO. 02-480

A Resolution of the City of Wichita, Kansas in support of Hometown Security, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

### PLANNING AGENDA

Motion --  
-- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 6 to 0. (Lambke absent)

## DED2002-28

### DED2002-28 – DEDICATION OF ALLEY RIGHT-OF-WAY BETWEEN PENNSYLVANIA AND HYDRAULIC, NORTH OF EAST SECOND STREET. (District I)

Agenda Report No. 02-1945

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Zoning Case No. ZON 2002-57 and is being dedicated for alley right-of-way.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations.

The Dedication has been recorded with the Register of Deeds.

Motion -- carried

Knight moved that the dedication be accepted. Motion carried 6 to 0. (Lambke absent)

## DED2002-29

### DED2002-29 – DEDICATION OF ACCESS CONTROL BETWEEN PENNSYLVANIA AND HYDRAULIC, NORTH OF EAST SECOND STREET. (District I)

Agenda Report No. 02-1946

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Zoning Case No. ZON 2002-57 and is being dedicated for access control, except for one opening, along Hydraulic.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations.

The Dedication has been recorded with the Register of Deeds.

Motion -- carried

Knight moved that the dedication be accepted. Motion carried 6 to 0. (Lambke absent)

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DED2002-30

**DED2002-30 – DEDICATION OF STREET RIGHT-OF-WAY BETWEEN PENNSYLVANIA AND HYDRAULIC, NORTH OF EAST SECOND STREET.** (District I)

Agenda Report No. 02-1947

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Zoning Case No. ZON 2002-57 and is being dedicated for street right-of-way along Hydraulic.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations.

The Dedication has been recorded with the Register of Deeds.

Motion -- carried

Knight moved that the dedication be accepted. Motion carried 6 to 0. (Lambke absent)

SUB2002-56

**SUB2002-56 – PLAT OF HAWTHORNE ADDITION ON THE NORTHEAST CORNER OF 21ST STREET NORTH AND 127TH STREET EAST.** (District II)

Agenda Report No. 02-1948

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

The site has recently been annexed to the City of Wichita.

The southwestern portion of the site has been approved for a zone change (SCZ-0780) from SF-20, Single-Family Residential District to MF-18, Multi-Family District (Lot 1, Block 6), and to LC, Limited Commercial District (Lot 2, Block 6). A zone change (ZON 2002-40) to GO, General Office District (Lot 7, Block 6) has also been approved for this site. The site is subject to the Twenty-First Commercial Community Unit Plan (CUP 2002-28 - DP-238, Amendment #1). A CUP Certificate was provided identifying the approved CUP and its special conditions for development. In order to assure that the private streets will be constructed to a public street standard, Restrictive Covenants were provided.

Petitions, all 100%, have been submitted for sanitary sewer, drainage, municipal water, paving and traffic improvements. A Certificate of Petitions has been provided.

In order to provide for the ownership and maintenance of the reserves and private street and to provide four (4) off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street, the applicant has submitted a Restrictive Covenant. A Restrictive Covenant has also been provided for joint access to allow for shared driveways between lots 3 and 4 and between lots 5 and 6.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Notice of CUP, Restrictive Covenants and Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

Knight moved that the Plat and documents be approved; the necessary signatures be authorized; the Resolutions be adopted; and the SCZ-0780/ZON2002-40 Ordinances be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Lambke absent)

-- carried

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## RESOLUTION NO. 02-467

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89727 (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-468

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89729 (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-469

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89732 (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-470

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89735 (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-471

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89736, north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-472

Resolution of findings of advisability and Resolution authorizing construction of Main 12, Four Mile Creek Sewer (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), 468-83505, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-473

Resolution of findings of advisability and Resolution authorizing construction of Main 13, Four Mile Creek Sewer (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), 468-83506, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 02-474

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 13, Four Mile Creek Sewer, (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), 468-83507, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-475

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 12, Four Mile Creek Sewer (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), 468-83510, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-476

Resolution of findings of advisability and Resolution authorizing construction of Lateral 4, Main 12, Four Mile Creek Sewer (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), 468-83513, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-477

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 190 (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), 468-83516, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-478

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 191 (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), 468-83517, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## RESOLUTION NO. 02-479

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 575 (north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East), 468-83518, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 6 to 0. (Lambke absent) Yeas: Brewer, Fearey, Gale, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. SCZ-0780

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## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON2002-40

### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Knight moved that the Airport Agenda be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Lambke absent)

### AIRPORT

#### SUPPLEMENTAL AGREEMENT NO. 3 – CESSNA AIRCRAFT CO.

Agenda Report No. 02-1949

The Wichita Airport Authority has a number of agreements with Cessna Aircraft Company for use of land on Wichita Mid-Continent Airport. One of these agreements involves the use of 14.36 acres of land on which the Cessna Aircraft Completion Center is situated. Cessna is desirous of amending this agreement to allow use of additional well water, for which Cessna has water rights, to irrigate WAA-owned property.

This Supplemental Agreement will allow Cessna to use well water on WAA property, as approved by the Division of Water Resources, Kansas Department of Agriculture. Other than providing Cessna flexibility to utilize their water resources as required to maintain efficient plant operation, this change has no impact on the WAA. The Supplemental Agreement formalizes the language that states that use of this water on WAA property in no way changes the ownership of Cessna's water rights.

There is no financial impact to the WAA. It will result in a savings to Cessna in that they will not be required to draw as heavily on potable City water resources for irrigation purposes.

Motion --  
-- carried

Knight moved that the Agreement be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

### AIRPORT

#### SUPPLEMENTAL AGREEMENT NO. 7 – HARRISON ARMSTRONG SHOESHINE CONCESSION.

Agenda Report No. 02-1950

Harrison Armstrong has operated the shoeshine concession in the terminal building on Wichita Mid-Continent Airport for approximately 12 years. Prior to Mr. Armstrong assuming this responsibility, the concession was operated by Conner Shoeshine. Services are provided 12 hours each day, Monday through Friday.

Demand for this service has decreased over the years as a result of travelers dressing more casually than they have in the past. However, there are those travelers who still seek out the service. During 2001, 3,255 customers utilized this service.

Shoeshine revenue to the Airport Authority is modest—the WAA receives 10% of the gross receipts, which amounts to slightly over \$1,000 per year.

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Motion --  
-- carried

Knight moved that the Agreement be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## AIRPORT

### SUPPLEMENTAL AGREEMENT NO. 4 – FLIGHTSAFETY INTERNATIONAL – 1962 MIDFIELD ROAD.

Agenda Report No. 02-1951

On November 6, 2001, the City Council approved a bond lease agreement with FlightSafety International (FSI) for facilities located at 1851 and 1951 Airport Road, and 2 Learjet Way. The purpose of the agreement was to extend the terms, set out rental rates, and allow for a \$3 Million expansion to the facility located at 1951 Airport Road. FSI also operates an aircraft mechanics training center located at 1962 Midfield Road on Wichita Mid-Continent Airport; and, while not a part of the bond lease, it is a part of FlightSafety's overall operations on the Airport.

As part of the negotiation process, the lease agreement for the aircraft mechanics training center was amended to reflect the same ending date as is included in the bond lease, through October 31, 2021. Included in a 1989 supplemental agreement for the aircraft mechanics center, is a provision which gives a bilateral option to cancel the agreement effective December 14, 2006. Initially, this option was included at FSI's request; however, FSI is now desirous of removing it from the agreement. The WAA concurs with this deletion.

Deletion of the option to cancel the agreement solidifies the agreement though its term, and results in continued land rental through March 31, 2020, with fair market facility rental commencing April 1, 2020.

Motion --  
-- carried

Knight moved that the Agreement be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)

## AIRPORT

### SECOND AMENDMENT TO 1983 LEASE - MIDWEST CORPORATE AVIATION.

Agenda Report No. 02-1952

In 1983, bonds were issued on behalf of Midwest Corporate Aviation (MCA) for the purpose of constructing a fixed base operation facility on land owned by the Wichita Airport Authority on Colonel James Jabara Airport. The Wichita Airport Authority currently receives rent for 154,550 sq.ft. of land on which the facility is situated. MCA is now desirous of increasing this land area by 2,560 sq.ft. to allow for additional auto parking.

MCA is desirous of expanding their leasehold 16 feet further to the north. The east/west dimension is 160 feet. The requested area does not affect other leaseholds or WAA facilities.

Financial impact is minimal. Land rent is currently \$.1010/sq.ft. and increases 2 ½% each year. Revenue during the first year will be \$261.25 (seven months @ .1010 and five months @ \$.1035).

Motion --  
-- carried

Knight moved that the Second Amendment to the 1983 Lease be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Lambke absent)



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## EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to potential litigation and legal advice; personnel matters of non-elected personnel; preliminary discussions relating to the acquisition of real property for public purposes; and that the Council return from executive session no earlier than 9:50 am. Motion carried 6 to 0. (Lambke absent)

-- carried

RECESS The City Council recessed at 9:25 a.m., and returned to regular session at 10:11 a.m. (Lambke, Martz; absent)

Mayor Knight Mayor Knight announced that action would be taken as a result of the executive session.

## OFF AGENDA ITEM MUNICIPAL COURT ADMINISTRATIVE JUDGE.

Motion -- Knight moved that the rules be set aside and an Off-Agenda Item be taken up to consider the appointment of a Municipal Court Administrative Judge. Motion carried 5 to 0. (Lambke, Martz; absent)

-- carried

Motion -- Brewer moved that Jennifer Jones be appointed as Municipal Court Administrative Judge. Motion carried 5 to 0. (Lambke, Martz; absent)

-- carried

ADJOURNMENT The City Council meeting adjourned at 10:14 a.m.

Pat Burnet  
City Clerk